

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

FILED

OCT 29 2010

MARTY R. ARDIZZONE,

Petitioner,

v.

JUSTIN JONES, DOC Director,

Respondent.

WILLIAM J. CHRIE  
Clerk, U.S. District Court  
by Deputy Clerk


No. CIV 09-325-RAW-KEW

**ORDER AND OPINION**  
**DENYING CERTIFICATE OF APPEALABILITY**

Petitioner has filed a notice of intent to appeal the court's order entered September 21, 2010, denying his petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). See also 28 U.S.C. § 2253(c).

Accordingly, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 29<sup>th</sup> day of October 2010.

  
RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE